

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI****CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):**First Listed Plaintiff:**

Kenneth D. Wivell ;
1 Citizen of This State;
County of Residence: Laclede County

Additional Plaintiff(s):

Tina M. Wivell ;
1 Citizen of This State;

Defendant(s):**First Listed Defendant:**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Home Mortgage ;
5 Incorporated and Principal Place of Business in Another State; South Dakota
County of Residence: Outside This District

Additional Defendants(s):

Kozeny & McCubbin, L.C. ;
4 Incorporated or Principal Place of Business in This State;

County Where Claim For Relief Arose: Pulaski County

Plaintiff's Attorney(s):

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Basis of Jurisdiction: 4. Diversity of Citizenship

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: 1 Citizen of This State

Defendant: 5 Incorporated and Principal Place of Business in Another State

Origin: 2. Removed From State Court

State Removal County: Pulaski County

State Removal Case Number: 12PU-CV01555

Nature of Suit: 290 Other Real Property Actions

Cause of Action: Removal of state court action under 28 U.S.C. §§ 1332 and 1441 et seq. Plaintiffs assert claims for wrongful foreclosure, fraudulent misrepresentation, violation of the Missouri Merchandising Practices Act, civil conspiracy, negligence, negligent misrepresentation breach of fiduciary duty and unjust enrichment.

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands): excess of \$194,000.00

Jury Demand: Yes

Related Cases: IS a refiling of case number 6:12-cv-03091-RED, assigned to Judge Dorr

Signature: s/ Eric D. Martin

Date: 10/17/2012

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44.
Once corrected, print this form, sign and date it, and submit it with your new civil action.